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In re Application of :
FUNG, et al. :
PCT No.: PCT/US04/43501 : DECISION ON PETITIONS
Application No.: 10/583,927 :
Int. Filing Date: 23 December 2004 : UNDER 37 CFR 1.47(a)
Priority Date: 23 December 2003 :
Atty. Docket No.: 12279-187-999 : and 37 CFR 1.137(b)
For: NOVEL ANTI-IL-13 ANTIBODIES AND USES :
THEREOF :
:

This decision is in response to applicant's petitions filed 29 January 2009 in the United States Patent and Trademark Office (USPTO) to revive the present U.S. National stage application.

BACKGROUND

On 02 December 2008, applicant was mailed a decision and notification of abandonment.

On 29 January 2009, applicant filed the present petition to revive accompanied by a newly filed declaration of the inventors.

DISCUSSION

A review of the filed declaration finds that it contains the signatures of all six inventors. As such, the petition under 37 CFR 1.47(a) is dismissed as moot.

The petition to revive under 37 CFR 1.137(b) in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an executed, compliant declaration of the inventors. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons stated above the petition under 37 CFR 1.47(a) is **DISMISSED as moot** and the petition to revive pursuant to 37 CFR 1.137(b) is **GRANTED**.

The application has an international filing date of 23 December 2004 under 35 U.S.C. 363 and will be given a date of **29 January 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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